

Remarks

Claims 29, 30, 32, 33, 35, 36, and 38-43 are pending. Claim 29 has been amended to correct a typographical error made in the previous amendment. Claims 31, 34, and 37 have been canceled without prejudice to being prosecuted in a continuing application.

Priority

The Examiner has requested a copy of Application No. 10/166321 of which the present application is a continuation. Accordingly, attached herewith is a copy of 10/166321 along with the preliminary amendment to 10/166321 filed on November 7, 2002 demonstrating compliance under 35 U.S.C. § 120.

35 USC § 112 Rejections

Claims 31, 34, and 37 stand rejected under 35 USC § 112, first paragraph, allegedly because at the time of the invention little was known about the use of an interferon alpha inducing compound to treat a neoplastic disease, and allegedly because more guidance would be required for one of ordinary skill in the art to use the claimed invention. Claims 31, 34, and 37 have been canceled without prejudice to prosecution of these claims in a continuing application. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 31, 34, and 37 stand rejected under 35 USC § 112, first paragraph, allegedly because the subgenus of neoplastic disease recited in the claims is not described in the specification, and allegedly because a species example falling within the recited genus is not found in the specification. Claims 31, 34, and 37 have been cancelled without prejudice to prosecution of these claims in a continuing application. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Allowable Subject Matter

The Examiner has indicated that claims 29, 30, 32, 33, 35, 36, and 38-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, claims 29 and 30 are independent claims and not dependent upon a rejected base

claim. Claims 32, 35, 38, and 39 depend from claim 29. Claims 33, and 36 depend from claim 30. Claims 40 and 41 depend from claim 32. Claims 42 and 43 depend from claim 35. Accordingly, Applicants respectfully request that the objection be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is respectfully requested.

Allowance of claims 29, 30, 32, 33, 35, 36, and 38 through 43, as amended, at an early date is solicited.

Respectfully submitted,

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Date

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